

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EXELIXIS, INC.,

Plaintiff,

v.

MSN LABORATORIES PRIVATE LIMITED
and MSN PHARMACEUTICALS INC.,
Defendants.

C.A. No. 19-2017 (RGA) (SRF)
CONSOLIDATED

Public Version Filed: July 13, 2021

**DECLARATION OF KONDAL REDDY BAIRY, Ph.D. IN SUPPORT OF MSN'S
OPPOSITION LETTER TO THE HONORABLE SHERRY R. FALLON
REGARDING THE PROTECTIVE ORDER DISPUTE**

Pursuant to 28 U.S.C. § 1746, I, Kondal Reddy Bairy, Ph.D., declare as follows:

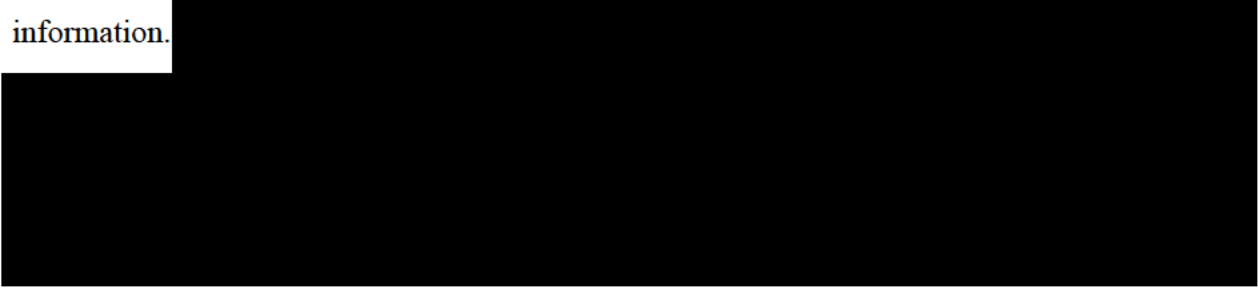
1. I am a Senior Director of MSN Pharmaceuticals Inc. I have personal knowledge of the facts stated in this declaration, and I could and would competently testify thereto if called as a witness.

2. [REDACTED]

3. [REDACTED]

4. At the onset of this case, I reviewed and authorized the agreement to stipulate to the Protective Order. I understood that my role at MSN would fit under ¶ 11.B regarding “legal department personnel” such that I would be permitted to access confidential Exelixis

information.



5. On numerous occasions in various Hatch-Waxman patent litigations, I have been permitted access to patentee's confidential information. I have never been accused of breaching my obligations or duties with respect to such information. In particular, I have never been accused of improperly disclosing or using—intentionally or otherwise—another parties confidential information to which I had access pursuant to a protective order.

6.

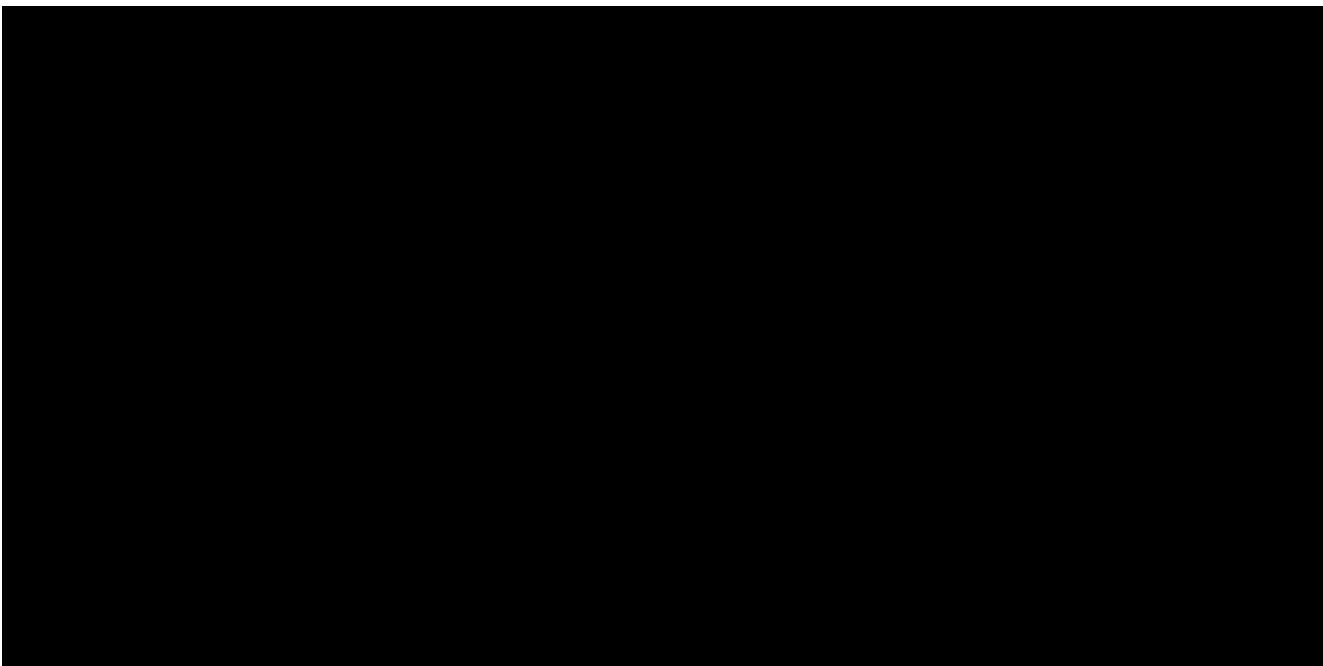


7.



8.





10. I certify that I will abide by the required procedural safeguards to minimize any risk of inadvertent disclosure of any documents received in connection with this litigation if I am permitted access to confidential Exelixis information. I certify that if have executed the Confidentiality Undertaking attached to the Protective Order to abide by its terms and submit for enforcement purposes to the jurisdiction of the Court. I certify that if permitted access, I will abide by the “use bar” that prohibits improperly using the information for purposes like “research, development, manufacture, patent prosecution, financial, commercial, marketing, regulatory, business, or other competitive purpose,” as well as all other terms, obligations and restrictions set forth in the Protective Order.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my information, knowledge, and belief. Executed on July 9, 2021, at Piscataway, New Jersey.

Kondal Reddy
Bairy

Digitally signed by Kondal
Reddy Bairy
Date: 2021-07-09 10:33:01

Kondal Reddy Bairy, Ph.D.